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ATTORNEYS FOR DEFENDANTS
AT&T CORP., AND SBC INTERNET SERVICES, INC.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

BRANDYWINE COMMUNICATIONS
TECHNOLOGIES, LLC,

Plaintiff,

v.

AT&T CORP. and SBC INTERNET
SERVICES, INC.

Defendants.

Case Number: C 12-02494 CW

**STIPULATION OF DISMISSAL
OF CLAIMS UNDER U.S. PATENT
NO. 5,444,704 AND ~~PROPOSED~~
ORDER**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff, Brandywine Communications Technologies, LLC (“Brandywine”) and Defendants AT&T Corp. and SBC Internet Services, Inc. (“Defendants”), hereby stipulate to the dismissal with prejudice of all claims asserted by Brandywine against Defendants with respect to U.S. Patent 5,444,704 (“the ’704 patent”) and further stipulate to the dismissal without prejudice of Defendants’ counterclaims alleging invalidity of U.S. Patent 5,444,704.

Defendants further agree that, for their affiliates and successors, they will only resurrect their claims of invalidity against the ’704 patent if they are later sued for infringement of the ’704 patent or are required to indemnify a third party for a claim of infringement of the ’704 patent. Brandywine further agrees to release, for its affiliates and successors, all of Defendants’ affiliates, employees, agents, customers, and suppliers from all claims of infringement of the ’704 patent.

This dismissal shall have no effect on the Parties’ assertion of claims and counterclaims with respect to U.S. Patent Nos. 5,828,657; 7,894,472; 6,970,501; 5,206,854; 5,251,328 and 5,812,537.

Dated: February 12, 2013

Respectfully submitted,

By: /s/ Brian H. VanderZanden

Brian H. VanderZanden (Admitted *Pro Hac Vice*)
FARNEY DANIELS LLP

Attorney for Plaintiff
BRANDYWINE COMMUNICATIONS
TECHNOLOGIES LLC

Dated: February 12, 2013

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Robert J. Artuz

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Russell A. Korn (*pro hac vice*)
Daniel S. Young (*pro hac vice*)
Robert J. Artuz

Attorneys for Defendants
AT&T CORP. and SBC INTERNET SERVICES, INC.

FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), Robert Artuz, hereby attests that the above-named signatories concur in this filing.

DATED: February 12, 2013

/s/ Robert J. Artuz
Robert J. Artuz

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 2/13/2013


The Honorable Claudia Wilken
United States District Judge